

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

Diana Patricia Moreno, as Administrator of
the Estate of Jesus Hernando Patiño Moreno

Plaintiff,

v.

Defendants Does 1-10

Defendants.

Case No. 23-CV-4827

Hon. Nitza I. Quiñones Alejandro
District Judge

**EMERGENCY MOTION TO PERMIT
LIMITED EXPEDITED DISCOVERY**

Pursuant to Federal Rule of Civil Procedure 26(d), Plaintiff Diana Patricia Moreno, as putative Administrator of the Estate of Jesus Hernando Patiño Moreno, by and through her undersigned counsel, respectfully moves the Court to permit limited, expedited discovery to gather the mental health records of the decedent in this case, Jesus Hernando Patiño Moreno.

In support of her motion Plaintiff states:

1. Plaintiff previously submitted a motion requesting leave to serve a subpoena to the Philadelphia Department of Prisons (“PDP”) under Rule 26(d) to gather the necessary jail and medical records of the decedent in this case, Jesus Hernando Patiño Moreno. See ECF 3.

2. The purpose of this discovery is to identify potential defendants before the running of the statute of limitations, which Plaintiff believes may run in January 2024.

3. The Court granted this motion and Plaintiff promptly served the subpoena to PDP.

4. PDP responded to Plaintiff’s subpoena on December 12, 2023.

5. After reviewing the records, Plaintiff has determined that it is necessary to review Mr. Patiño’s mental health records as well.

6. The Complaint alleges that Mr. Patiño began suffering from pain shortly after he entered jail in August. ECF 1.

7. Mr. Patiño's medical records indicate that he was seen by mental health care providers during this time period.

8. Plaintiff believes that Mr. Patiño's mental health records may indicate instances where Mr. Patiño told mental health staff about his attempts to obtain medical care.

9. This kind of information could lead to the identification of currently unknown defendants, including mental health personnel who did not alert medical staff about Mr. Patiño's symptoms, or medical staff described by Mr. Patiño in his mental health encounters.

10. Therefore, Plaintiff respectfully requests leave, pursuant to Federal Rule of Civil Procedure 26(d), to serve another subpoena on PDP to obtain Mr. Patiño's mental health records. The proposed subpoena is attached hereto as Exhibit 1.

11. The proposed subpoena seeks production of the following documents within 14 days:

- a. All mental health records of Jesus Patiño [REDACTED] from August 2021-March 2022

12. Plaintiff respectfully submits that this discovery is reasonably targeted to obtaining the necessary mental health records, and that said discovery is not disproportionately burdensome, as it is targeted discovery going directly to the allegations made in Plaintiff's complaint. See ECF 1.

WHEREFORE, Plaintiff requests that this Court enter an order pursuant to Rule 26(d) permitting Plaintiff to serve the limited discovery described in this motion.

Dated: January 2, 2024

Respectfully submitted,

/s/ Carla Agbiro

Attorney for Plaintiff
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